

## Chapter 5.20

### PAWNBROKERS

#### Sections:

- 5.20.010 License required.
- 5.20.020 Requirements for issuance of license.
- 5.20.030 Requirements for pawnbroking.
- 5.20.040 Hold order.
- 5.20.050 Additional regulations.
- 5.20.060 Return of stolen property.
- 5.20.070 Liability.
- 5.20.080 Right of inspection.

#### 5.20.010 License required.

A. It shall be unlawful for any person to engage in the business of being a pawnbroker, as defined and regulated by C.R.S. 12-56-101, et. seq., without obtaining a license from the City.

B. Applications for licenses shall be submitted annually on forms provided by the City which may require all information necessary or convenient for the enforcement and administration of this Chapter accompanied by the following:

1. An annual license fee in the amount of \$75.00 (payable in advance).
2. A good and sufficient bond, with surety, to be approved by the City Attorney in the amount of \$2,000, conditioned upon the faithful observance of the requirements of this Chapter and of C.R.S. 12-56-101, et. seq., and for the safekeeping or return of all articles held on pledge by the pawnbroker.
3. "All-risk" property insurance insuring all pledged property against loss from fire, theft or other casualty.

C. The City Manager, after receipt of any application, shall conduct an investigation to insure that the applicant and application meet all of the requirements of this Chapter. If the City Manager determines that the application meets the requirements of this Chapter, he shall grant a license which shall expire on December 31 of the year for which it is issued. In the event the applicant or application does not meet all the requirements of this Chapter, the City Manager shall deny the license.

D. All licenses shall be non-transferable.

E. The City Council may revoke any license following notice to the licensee and a hearing upon a finding that the

licensee is in violation of any of the requirements of this Chapter. (Ord. 18, §1(part), 1984)

5.20.020 Requirements for issuance of license.

A. No license required by this Chapter shall be issued to or held by any of the following:

1. Any person who is not of good moral character.
2. Any corporation, any of whose officers, directors or stockholders holding over 10% of the outstanding and issued capital stock thereof, are not of good moral character.
3. Any partnership, association or company, any of whose officers or any of whose members holding more than 10% interest therein, are not of good moral character.
4. Any person who is not satisfactory to the City with respect to his character, record and reputation.

B. In making a determination as to character, when considering the conviction of a crime, the City shall be governed by the provisions of C.R.S. 24-5-101.

C. No license shall be issued for, or used in connection with, any premises licensed under the Colorado Beer Code or the Colorado Liquor Code, or for any place of amusement or entertainment. (Ord. 18, §1(part), 1984)

5.20.030 Requirements for pawnbroking.

A. All pawnbrokers shall comply with the requirements of C.R.S. 12-56-101, et. seq., the requirements of this Chapter, and of any regulations issued pursuant thereto.

B. No pawnbroker shall acquire any property from any person who the pawnbroker knows has a reputation of being a thief or has been convicted of theft or a similar offense without first notifying the City Manager or a member of the police department.

C. It shall be unlawful for any pawnbroker to be open for business on Sunday, New Year's Day, Christmas Day or on any day from 9:00 p.m. in the evening until 8:00 a.m. the following morning.

D. No pawnbroker shall enter into any transaction with any person under the influence of alcohol or drugs. (Ord. 18, §1(part), 1984)

5.20.040 Hold order. The City Manager or any police officer may order a pawnbroker to hold any article in his custody for purposes of investigation of theft or similar offense by the police department. No sale or any disposition of any such article may be made until the hold order is vacated.

5.20.050 Additional regulations. The City Manager shall make such additional rules and regulations as are necessary and convenient for the administration and enforcement of this Chapter, including required forms and requirements for additional reports. (Ord. 18, §1(part), 1984)

5.20.060 Return of stolen property. Notwithstanding any other provision of law, a pawnbroker who accepts in pledge any article as security for a loan from a person who is not the lawful owner thereof shall obtain no interest in such article in derogation of the rights of the lawful owner either by maturation of the loan, by transference of the pawn ticket to the pawnbroker, or otherwise, regardless of whether or not pawnbroker knew such person was not the lawful owner of the article. In the event of sale of such article to a third person, the pawnbroker shall be liable to the lawful owner of the article. The lawful owner of any such article may recover it from a pawnbroker, upon proof of ownership. (Ord. 18, §1(part), 1984)

5.20.070 Liability. The licensee shall be liable for the loss or damage of any pledged article whether caused by fire, theft, or otherwise, resulting from his failure to exercise reasonable care; but he shall not be liable, in the absence of the express agreement to the contrary, for the loss or damage to a pledged article which could not have been avoided by the exercise of such care. The pawnbroker shall maintain at all times commercially reasonable casualty insurance insuring pledged property against loss or damage. (Ord. 18, §1(part), 1984; Ord. 19, §1, 1989)

5.20.080 Right of inspection. For the purpose of administering and enforcing the requirements of this Chapter and C.R.S. 12-56-101, the City Manager or his authorized representative shall have the right to enter upon the licensee's premises and examine the books, accounts, papers, records and pledged property used or kept by any licensed pawnbroker or other person engaged in the business of pawnbroking. If any licensee shall refuse such access or inspection, the City Manager shall have recourse, as provided by law, including obtaining a warrant from the Municipal Court. He may also issue a subpoena duces tecum for a hearing before the City Manager or City Council, which subpoena may be enforced by the District Court or other court of competent jurisdiction. (Ord. 18, §1(part), 1984)